LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: STUDENT DISCIPLINE

ADOPTED: March 20, 2003

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218. STUDENT DISCIPLINE

Purpose

The Joint Operating Committee recognizes that student conduct is closely related to learning. An effective career and technical education program requires a safe and orderly school environment.

Authority

The Joint Operating Committee shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the center (school).[1][2][3][4][5]

The Joint Operating Committee shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Joint Operating Committee policies and the Code of Student Conduct governing student discipline.[2][3][4][5][6][7][8]

The Joint Operating Committee shall approve the inclusion of restorative practices in the Code of Student Conduct to address violations where applicable.[9]

The Joint Operating Committee prohibits the use of corporal punishment to discipline students for violations of Joint Operating Committee policies, the Code of Student Conduct and center (school) rules and regulations.[10]

Any student disciplined shall have the right to be informed of the nature of the infraction and the applicable rule or rules violated.[11]

When suspensions and expulsions are imposed, they shall be carried out in accordance with Joint Operating Committee policy.[7][11]

In the case of a student with a disability, including a student for whom an evaluation is pending, the center (school) shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Joint Operating Committee policies.[5][7][12][13][14][15]

	On and Off-Campus Activities This policy and the Code of Student Conduct apply to the behavior of students at all times during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities or at other times while riding in school-provided means of transportation ("on-campus"). This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places ("off-campus") when:[1] 1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment; 2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions; 3. The conduct interferes with or threatens to interfere with the rights of students or staff or the safe and orderly operation of the school and its programs; 4. The conduct involves the theft or vandalism of school property; or 5. The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in the school that is committed in furtherance of a plan made or agreed to in the school, or acts of vandalism directed at the property of staff because of their status as staff of the school.
Delegation of Responsibility	The Administrative Director or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Joint Operating Committee policy governing student conduct. The Administrative Director or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and school office and may be included in student handbooks and on the school's website.[2][8] The building administrator **or designee** shall have the authority to assign discipline to students, subject to Joint Operating Committee policies, administrative regulations, the Code of Student Conduct and school rules, and to the student's due process right to notice, hearing and appeal.[7][11][16][17]

Teaching staff and other school employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of the Joint Operating Committee, and when such conduct interferes with the educational program of the school or threatens the health and safety of others, in accordance with Joint Operating Committee policy, administrative regulations, the Code of Student Conduct and school rules.[16]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, **and/or** for the protection of persons or property.[10]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products**; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code**.[18][19]**[20]**

The Administrative Director or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or a school-sponsored activity to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Joint Operating Committee policies.[15][18]**[20]**[21][22]**[23]**

The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether or not the **law enforcement agency** that has jurisdiction over the school's property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian.[15][18][24]

In accordance with state law, the Administrative Director shall annually, by July 31, report all new incidents to the **PA Department of Education** on the required form.[15]**[20][23]**[25][26][27][28]

When a student's behavior indicates a threat to the safety of the student, other students, employees, the school's facilities, the community or others, school staff

shall report the student to the threat assessment team, in accordance with applicable law and Joint Operating Committee policy.[29][30]

The Administrative Director shall report to the Joint Operating Committee the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Joint Operating Committee.

NOTES:

Act 116 of 2002 defines graffiti as it relates to criminal mischief offenses and defines defiant trespassers – Title 18, Sec. 3304 (3503)

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Legal References

1. 24 P.S. 1850.1
2. 22 PA Code 12.3
3. 22 PA Code 12.4
4. Pol. 103
5. Pol. 103.1
6. 22 PA Code 12.2
7. Pol. 113.1
8. Pol. 235
9. Pol. 146.1
10. 22 PA Code 12.5
11. Pol. 233
12. 22 PA Code 10.23
13. 20 U.S.C. 1400 et seq
14. Pol. 113.2
15. Pol. 805.1
16. 24 P.S. 1317
17. 24 P.S. 1318
18. 22 PA Code 10.2
19. 35 P.S. 780-102
20. 24 P.S. 1319-B
21. 22 PA Code 10.21
22. 22 PA Code 10.22
23. 24 P.S. 1306.2-B
24. 22 PA Code 10.25
25. Pol. 218.1
26. Pol. 218.2
27. Pol. 222
28. Pol. 227
29. 24 P.S. 1302-E
30. Pol. 236.1

	22 PA Code 12.1 et seq 22 PA Code 403.1 20 U.S.C. 7114 34 CFR Part 300 Mahanoy Area School District v. B.L., 594 U.S. ____ (2021) Pol. 122 Pol. 218.3 Pol. 805